

9 FAM 42.61 PROCEDURAL NOTES

(CT:VISA-2059; 12-12-2013)
(Office of Origin: CA/VO/L/R)

9 FAM 42.61 PN1 PROCEDURE IN TRANSFERRING CASES

9 FAM 42.61 PN1.1 Applicant Requests Transfer of Visa Files

9 FAM 42.61 PN1.1-1 Request to Receiving Post

(TL:VISA-386; 04-05-2002)

The IV applicant (beneficiary) must request in writing that the intended receiving post accept the case. There is no prescribed form or format for such a request, and the applicant may make the request by letter, facsimile or electronic mail. The applicant must send the request, along with a justification for the request, to the intended receiving post.

9 FAM 42.61 PN1.1-2 Role of the National Visa Center (NVC) in Post Assignment and Request to Change Post

(CT:VISA-1865; 09-05-2012)

- a. Upon receipt of petitions from USCIS, the National Visa Center (NVC) will assign the post code based on the applicant's current country of residence. If the applicant lives in the United States, the post assigned is based on the applicant's place of last foreign residence. If there is insufficient information to determine a post, the applicant will be assigned based on their country of nationality.
- b. NVC often receives requests from applicants to change their processing post while their petitions are already in process at NVC. In the event NVC receives a request to change an applicant's processing post, NVC attempts to collect proof of residency as well as an address in the new country requested.
- c. Some posts require specific eligibility documentation to allow applicants to process at their post. Post will send copies of acceptable documents to show proof of residency to the NVC (scanned images (exemplars) that are used as reference tools at NVC). NVC will collect the appropriate documentation from

applicants prior to scheduling interviews for post.

9 FAM 42.61 PN1.1-3 Action by Receiving Post

(CT:VISA-1865; 09-05-2012)

Upon receiving the applicant's request for a transfer of the case, the intended receiving post must decide whether it will (or must) accept the case for processing. If the intended receiving post accepts the case, that post should request the transferring post to transfer the case. Electronic mail is the recommended means for making the request. (See 9 FAM 42.61 Notes for information concerning place of application.)

9 FAM 42.61 PN1.2 Record of Transfer

(CT:VISA-1865; 09-05-2012)

Once the receiving post informs the transferring post that it will accept the transfer, the transferring post must prepare a record of the transfer of a pending or refused visa case by making the appropriate entry in the computerized IV System . (See 9 FAM 42.41 PN3, and the IV System Manual for further explanation of the IV System procedure.)

9 FAM 42.61 PN2 PROCESSING HOMELESS CASES

(CT:VISA-2059; 12-12-2013)

The National Visa Center (NVC) will screen and *assign* all petitions for homeless beneficiaries to the appropriate post for processing.

9 FAM 42.61 PN3 TRANSFERRING CASES

(CT:VISA-1865; 09-05-2012)

Posts must follow procedures in the automated immigrant visa processing system for transferring cases. Paper files must be transferred following the proper procedures in the automated system.